

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00063-MR-WCM**

HOLLY JEAN NOLAN,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
)
ROBERT WILKIE, Secretary for)
Department of Veteran Affairs, et al.,)
)
Defendants.)
)

THIS MATTER is before the Court on remand from the United States Court of Appeals for the Fourth Circuit. See Nolan v. Wilkie, 775 F. App'x 124 (4th Cir. 2019).

The Court previously dismissed the Plaintiff's Complaint without prejudice, noting several deficiencies in her pleading. [Doc. 3]. In light of the Fourth Circuit's remand, the Court will now allow the Plaintiff an opportunity to cure those noted deficiencies and to state a facially sufficient claim for relief. The Plaintiff shall have fourteen (14) days from the entry of this Order to file an Amended Complaint. Any such Amended Complaint must be on a civil complaint form, which the Clerk of Court will provide, and

it must refer to the instant civil case number so that it is docketed in the correct case. Such Amended Complaint must contain a “short and plain statement of the claim” showing that the Plaintiff is entitled to relief against each Defendant. See Fed. R. Civ. P. 8(a)(2). The Amended Complaint must contain all the claims the Plaintiff intends to assert in this action, identify each Defendant she intends to sue, clearly set forth the factual allegations against each Defendant, and set forth the basis for the Court’s jurisdiction with respect to each Defendant. The Plaintiff may not amend her Complaint by merely adding claims in a piecemeal fashion. The Amended Complaint will supersede the original Complaint so that any claims omitted from the Amended Complaint will be deemed waived. See Young v. City of Mt. Ranier, 238 F.3d 567, 573 (4th Cir. 2001).

The Plaintiff’s failure to file an Amended Complaint within the time specified will likely result in the dismissal of this action with prejudice. Further, any Amended Complaint that is filed will be subject to review pursuant to 28 U.S.C. § 1915. If such Amended Complaint fails to correct the deficiencies previously identified by the Court, this action will likely be dismissed with prejudice.

IT IS, THEREFORE, ORDERED that the Plaintiff shall have **fourteen (14) days** from the entry of this Order to file an Amended Complaint that

cures the deficiencies previously identified by the Court. The Plaintiff is advised that the failure to comply with the Court's Order and correct the identified deficiencies will likely result in the dismissal of this action with prejudice.

The Clerk of Court is respectfully directed to provide the Plaintiff a civil complaint form along with a copy of this Order.

IT IS SO ORDERED.

Signed: October 26, 2019



Martin Reidinger
United States District Judge

